

**MOTOROLA**

FAX TRANSMITTAL SHEET

Motorola, Inc.
Intellectual Property Section
Law Department
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Schaumburg, IL 60196

Telephone: (847) 576-3635
Facsimile: (847) 576-3750

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12 Number of Pages (including this page)

Date: December 8, 2004

To: Examiner Eewart, James D. - Group 2683

Location: United States Patent and Trademark Office

Fax No.: 703-872-9306

From: Jeffrey K. Jacobs (Registration No. 44,798)

Subject: Serial No. 09/840,538 -Love et al.

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MESSAGE:

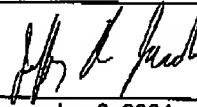
Enclosed herewith, please find a RESPONSE Office Action for filing in the below-identified application.

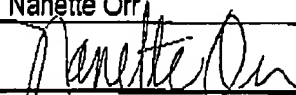
PLEASE GIVE THESE PAPERS TO:

EXAMINER:	Eewart, James D.
GROUP ART UNIT:	2683
SERIAL NO.:	09/840,538
FILED:	April 23, 2001
INVENTOR:	Love et al.
ATTORNEY DOCKET NO.:	CE08613R

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/840,538	
	Filing Date	April 23, 2001	
	First Named Inventor	Love et al.	
	Group Art Unit	2683	
	Examiner Name	Eewart, James D.	
Total Number of Pages in this Submission	4	Attorney Docket Number	CE08613R

ENCLOSURES		(check all that apply)
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input type="checkbox"/> Copy of Notice to File Missing Parts <input type="checkbox"/> Transmittal of Format Drawings <input type="checkbox"/> Response to Notice of Non- Recording of Document
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual	Jeffrey K. Jacobs	Registration No.	44,798
Signature			
Date	December 8, 2004		

CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO to facsimile number 703-872-9308 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:			
Typed or printed name	Nanette Orr		
Signature		Date	December 8, 2004

FEE TRANSMITTAL Patent fees are subject to annual revision		<i>Complete if Known</i>	
		Application Number	09/840,538
		Filing Date	April 23, 2001
		First Named Inventor	Love et al.
		Examiner Name	Eewart, James D.
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TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No.	CE08613R

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																										
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <p>Deposit Account Number 50-2117</p> <p>Deposit Account Name Motorola, Inc.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee required under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p style="text-align: center;"><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table style="width:100%; border-collapse: collapse;"><thead><tr><th colspan="2">Large Entity</th><th colspan="2">Small Entity</th><th rowspan="2">Fee Description</th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr><tr><td>1052</td><td>60</td><td>2052</td><td>25</td><td>Surcharge - late Provisional filing</td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td></tr><tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr><tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td></tr><tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td></tr><tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td></tr><tr><td>1254</td><td>1450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td></tr><tr><td>1255</td><td>1970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td></tr><tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td></tr><tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td></tr><tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td></tr><tr><td>1451</td><td>1610</td><td>1451</td><td>1610</td><td>Petition to institute a public use proceeding</td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td></tr><tr><td>1453</td><td>1300</td><td>2453</td><td>650</td><td>Petition to revive - unintentional</td></tr><tr><td>1501</td><td>1300</td><td>2501</td><td>650</td><td>Utility issue fee (or release)</td></tr><tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td></tr><tr><td>1503</td><td>630</td><td>2503</td><td>315</td><td>Plant issue fee</td></tr><tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td></tr><tr><td>1807</td><td>60</td><td>1807</td><td>60</td><td>Processing fee under 37 CFR 1.17(b)</td></tr><tr><td>1808</td><td>180</td><td>1808</td><td>180</td><td>Submission of IDS</td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr><tr><td>1809</td><td>760</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr><tr><td>1810</td><td>760</td><td>2810</td><td>375</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr><tr><td>1801</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination (RCE)</td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr><tr><td colspan="5">Other fee (specify) _____</td></tr></tbody></table>	Large Entity		Small Entity		Fee Description	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - 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<p>SUBMITTED BY</p> <p>Name (Print/Type) Jeffrey K. Jacobs</p> <p>Signature <i>Jeffrey K. Jacobs</i></p>		<p style="text-align: center;"><i>Complete (if applicable)</i></p> <p>Registration No. 44,798 Telephone 847/576-5562</p> <p>Date December 8, 2004</p>																																																																																																																																																									

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to the Assistant Commissioner for Patents at (703) 872-9306
(Attention: Examiner Ewart)

on December 8, 2004.


Signature

12/8/2004
date

- PATENT -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Love et al.	EXAMINER:	Ewart, James D
SERIAL NO.:	09/840,538	GROUP:	2683
FILED:	04/23/2001	CASE NO.:	CE08613R
ENTITLED:	METHOD OF DYNAMIC TRANSMIT SCHEDULING USING CHANNEL QUALITY FEEDBACK		

Motorola, Inc.
Corporate Offices
1303 E. Algonquin Road
Schaumburg, IL 60196
December 8, 2004

RESPONSE

Honorable Assistant Commissioner of
Patents and Trademarks
Alexandria, VA 22313-1450

Sir:

In view of the issues raised in the office action mailed November 2, 2004, the following response is hereby respectfully submitted by the applicants. Reconsideration of any outstanding objections and/or rejections and allowance of the present application are respectfully requested.